IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CIVIL JURISDICTION

WRIT PETITION NO.4955 OF 2005

Shri Mahadeo Ramchandra Deshpande & Anr..PETITIONERS

Versus

Sub Divisional Officer, Karad, Dist.
Satara .....RESPONDENT

Mr. A.V. Anturkar with Tanaji Matungade and Mrs.Vinita V.Bakre-Shastry, for the Petitioners
Mr. V.S. Gokhale, AGP for respodnent.

CORAM: F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATE : 28th September, 2005

P.C.:

. Rule. Heard forthwith.

2. The major grievance of the petitioner is that the conversion fees has been fixed without giving them an opportunity. It is submitted that various authorities have submitted various figures and that it is submitted that the least the respondent authorities should have done before fixing the conversion charges they ought to have given an opportunity of being heard before the impugned order was passed. It is also pointed out on behalf of the petitioner that whilst deciding the market rate, the judgment in K.S. Shivdevamma & Others vs. Assistant Commissioner & Land Acquisition Officer & Another (1996) 2 SCC 62 will have to be considered.

3. Considering the peculiar controversy which has arisen on different valuation being given as to the market rates of the land, the ends of justice would be met if the matter is remitted to the limited extent of fixing the price to be paid by the petitioner and to that extent the impugned order dated 20th April, 2005 is interfered with but with the following directions:-

(i) The Sub Divisional Officer before before fixing the value of the property to give hearing to the petitioner and make available the valuation report ofDistrict Registrar, Class I(Lower Scale) and the Stamp Collector, Satara. Petitioner to appear before the Sub Divisional Officer, Karad, District Satara on on 10th October, 2005 at 11.00 a.m. for further directions. The Sub Divisional Officer to pass his order within two weeks of receipt of the valuation.

(ii) It is made clear that all consequential orders including order dated 28th April, 2005 are also set aside. Petition disposed of accordingly.

(iii) The amount already deposited to remain in deposit with the Respondents. If consequent to the order any order is passed whereby the petitioner has to pay an amount less than what is deposited the same to be refunded within a period of four weeks from the date of such order.

(F.I.REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)